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August 13, 1997

Office of Managing Director
Federal Communications Commission
Washington, DC 20554

Stop Code: 1100

In Re: MD Docket No. 94-19

**Request of Midessa Television Co. for Refund of FY 94 Regulatory
Fee for Satellite**

Station KWAB-TV, Big Spring, Texas

Gentlemen:

This letter is being written on behalf of Midessa Television Co. ("Midessa") in response to the Commission's Memorandum Opinion and Order in the above-referenced proceeding released on July 15, 1997 (FCC 97-214), authorizing Lee Enterprises, Incorporated ("Lee") and similarly situated licensees to file requests for reduction of the FY 1994 regulatory fees paid for their satellite stations. Midessa is the licensee of Stations KWES-TV, Odessa, TX, and its satellite, KWAB-TV, Big Spring, TX. Both of these Stations are VHF Stations. Attached hereto is a copy of FCC Form 159 filed by Midessa when it paid its FY 1994 regulatory fee for these Stations, showing that a \$5,000 regulatory fee was paid for each Station (additional Form 159-C's, covering Broadcast Auxiliary Stations and a satellite earth station were also submitted but are not attached because this letter does not seek refund of fees paid for those stations). Midessa believes that it is similarly situated to Lee and, for the reasons set forth below, requests refund of the \$5,000 regulatory fee paid for KWAB-TV.

As noted in the Memorandum Opinion and Order, when the Commission acted on the petitions for reconsideration of its Report and Order in MD Docket No. 94-19, it determined that licensees operating satellite stations would pay a regulatory fee based on the total number of television households served by both the parent and the satellite station that is comparable to the fee assessed stations serving markets with the same number of television households. The Odessa-Midland, Texas, Television Market, in which both KWES-TV and KWAB-TV operate, was listed

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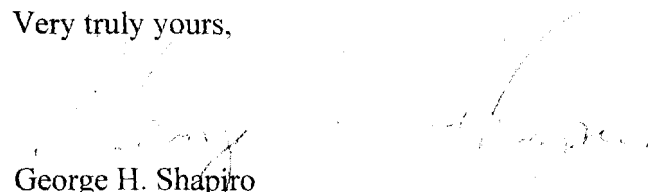
in the 1994 Edition of TV and Cable Factbook No. 62 (the "Factbook"), the reference source specified by the Commission for market rankings for determining the applicable regulatory fee category for FY 1994, as the 149th Arbitron ADI Market with 136,100 Television Households. Since both stations operate in this market, adding the number of Television Households served by the two stations would not be likely to result in service to a larger number of Television Households than those included by Arbitron in the market. This number (136,100) is considerably lower than the 242,000 Television Households listed for the El Paso, Texas Market, which was listed in the Factbook as the 100th Arbitron ADI Market. The applicable fee should therefore be a single \$5,000 fee, which is the fee applicable to commercial VHF Stations operating in markets below the largest 100 markets.

The same result is reached if the Net Weekly Circulation and Average Daily Circulation of KWES-TV and KWAB-TV, as reported in the Factbook, are compared to the same figures for comparable stations in the El Paso Market. The Factbook states that KWAB-TV's Arbitron data is included with KWES-TV. The Net Weekly Circulation reported in the Factbook for KWES-TV (which includes Arbitron data for KWAB-TV) is 119,200 and their combined Average Daily Circulation is 65,600. The Factbook lists the Net Weekly Circulation of all three VHF Stations in El Paso as in excess of 200,000 Television Households and their Average Daily Circulation in excess of 110,000 Television Households.

By any measure, the combined audience of KWES-TV and KWAB-TV is well below the level for VHF Stations in the smallest of the top 100 markets. The combined regulatory fee for both of those stations should therefore be \$5,000, the fee for VHF Stations below the top 100 markets. Since Midessa paid a regulatory fee of \$10,000 for FY 1994 for these two stations, a refund of \$5,000 is requested.

If you need any additional information to process this refund request, please do not hesitate to communicate with the undersigned.

Very truly yours,



George H. Shapiro
Counsel for Midessa Television Co.

cc: Ms. Regina Dorsey, Chief, Fee Section

FEDERAL COMMUNICATIONS COMMISSION
FCC REMITTANCE ADVICEApproved by OMB
3060-0589
Expires 2/28/97PAGE NO. 1 OF 4

(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER

Did you have a number prior to this? Enter it.

(2) TOTAL AMOUNT PAID (dollars and cents)

0 7 5 2 3 9 9 2 3 3

\$ 10281 • 00

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

Midessa Television Co.

(4) STREET ADDRESS LINE NO. 1
P.O. Box 60150(5) STREET ADDRESS LINE NO. 2
11320 WCR 127(6) CITY
Midland(7) STATE
Tx(8) ZIP CODE
79711(9) DAYTIME TELEPHONE NUMBER (Include area code)
(915) 567-9999

(10) COUNTRY CODE (if not U.S.A.)

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR

FCC USE ONLY

(12A) FCC CALL SIGN/OTHER ID

(13A) ZIP CODE

(14A) PAYMENT TYPE CODE

(15A) QUANTITY

(16A) FEE DUE FOR
PAYMENT TYPE CODE
IN BLOCK 14
\$ 5000.00

KWES

M I V N

1

(17A) FCC CODE 1

(18A) FCC CODE 2

(19A) ADDRESS LINE NO. 1

(20A) ADDRESS LINE NO. 2

(21A) CITY/STATE OR COUNTRY CODE

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR

FCC USE ONLY

(12B) FCC CALL SIGN/OTHER ID

(13B) ZIP CODE

(14B) PAYMENT TYPE CODE

(15B) QUANTITY

(16B) FEE DUE FOR
PAYMENT TYPE CODE
IN BLOCK 14
\$ 5000.00

KWAB

M I V N

1

(17B) FCC CODE 1

(18B) FCC CODE 2

(19B) ADDRESS LINE NO. 1

(20B) ADDRESS LINE NO. 2

(21B) CITY/STATE OR COUNTRY CODE

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

☐ Mastercard

EXPIRATION DATE:

☐ Visa

Month Year

(23) I hereby authorize the FCC to charge my VISA or Mastercard
for the service(s)/authorization(s) herein describe.

AUTHORIZED SIGNATURE

DATE